GOVERNMENT OF MAHARASHTRA.

GENERAL ADMINISTRATION DEPARTMENT.

Circular No. CDR. 1161-D.

Sachivalaya, Bombay, 2nd January 1962/Pausa 12, 1883.

CIRCULAR OF GOVERNMENT.

Some times cases arise where an officer who has the power to impose penalties on his subordinates himself witnesses the incident on which a charge in a departmental enquiry is based or is called and examined as a witness in the enquiry. A question has been raised whether in such a case it would be in order for the officer concerned to pass final orders on the findings of the departmental enquiry. This question has been examined and Government is advised that it would not be in order for the officer concerned to pass final orders as it would amount to the complainant or the principal witness judging the guilt of the defaulter and would be held to offend the principles of natural justice and fair-play and that it is also likely to produce a reasonable doubt in the mind of the delinquent about the fairness of the administration of justice. Government is therefore pleased to direct that in such cases the officer who is otherwise competent to pass orders should not exercise his powers but submit the findings to the next higher authority who will pass the orders.

2. All officers dealing with cases of such departmental enquiries are requested to bear these instructions in mind.

By order and in the name of the Governor of Maharashtra,

K. P. NADKARNI,
Under Secretary to the Government of Maharashtra,
General Administration Department.

To

The Secretary to the Governor,

The Private Secretary to the Chief Minister,

The Prothonotary and Senior Master, High Court, Bombay (by letter).

The Registrar, High Court, Appellate Side, Bombay (by letter),

All other Heads of Departments and Heads of Offices under the several Departments of the Secretariat,

All Departments of the Secretariat.

No. of 1962.

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